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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,325	08/29/2003	William Joseph Butsch	9350	1633

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/652,325	Applicant(s) BUTSCH ET AL.	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,8 and 20-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 1,3-5,7 and 8 is/are allowed.
 6) ☒ Claim(s) 20-24 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 23 August 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on August 23, 2005 has been entered.

Drawings

2. The drawings were received on August 23, 2005. These drawings are **not** approved. The changes to Figure 1, particularly the alteration of the bedroll chop off assembly configuration, are not approved. Further, it appears that the addition of spacing indicators A, B should be made to Figure 2 (they would not be applicable to Figure 1 as originally filed).

Claim Objections

3. Claims 20-24 are objected to because of the following informalities:

In claim 20, line 9, the second occurrence of "blade" should plural. Appropriate correction is required.

Double Patenting

4. Claim 22 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 4. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 20, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNeil, pn 4,919,351 in view of Wilson et al., pn 6,851,642.

Regarding claims 20 and 21, McNeil discloses an apparatus with almost every structural limitation of the claimed invention including

a bedroll (e.g., 21) having a circumference, the bedroll being disposed such that the web material passes around at least a portion of the circumference of the bedroll in a direction of travel of the web material, wherein the bedroll is disposed generally transverse to the direction of travel of the web material, the bedroll comprising a shell

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and a bedroll chop off assembly (e.g., 31 33), the bedroll chop off assembly comprising at least one web pin (e.g., 33) having a distal portion and at least two bedroll blades (e.g., 31) having a distal portion disposed generally transverse to the direction of travel of the web material at a bedroll blade spacing, wherein the distal portions of the at least two bedroll blades and the at least one web pin are capable of extending beyond the shell of the bedroll, wherein the bedroll is capable of rotating at a first blade pass frequency,

b) a chop off roll (e.g., 23) disposed proximate and generally parallel to the bedroll, the chop off roll comprising at least one pin pad (e.g., 34, 34) capable of circumferentially interfering with the at least one web pin, the chop off roll further comprising at least two chop off roll blades (e.g., 32) disposed generally transverse to the direction of travel of the web at a chop off roll blade spacing, the at least two chop off roll blades being capable of rotationally meshing with the at least one bedroll blade, the chop off roll being capable of rotating at a second blade pass frequency, wherein the second blade pass frequency is distinct from the first blade pass frequency.

McNeil lacks the bedroll blade spacing being distinct from the chop off roll blade spacing. Wilson discloses an apparatus wherein the bedroll blade spacing being distinct from the chop off roll blade spacing and teaches that such a relationship is beneficial and contributes to a particularly efficient web cutting event with relative little damage and wear of the chopper roll blades (e.g., see col. 5, lines 7-13). Therefore, it would have been obvious to one having ordinary skill in the art to provide the bedroll

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blade spacing being distinct from the chop off roll blade spacing for the benefits taught by Wilson including those described above.

Regarding claims 23 and 24, McNeil further includes the at least one pin pad is capable of circumferentially interfering with at least one of the web pins, and wherein the chop off roll further comprises a plurality of web pads (e.g., 34, 34) disposed generally transverse to the direction of travel of said web, and wherein at least one of the chop off roll blades is capable of rotationally meshing with the at least one bedroll blade.

McNeil lacks the at least two chop off roll blades comprising three blades disposed generally parallel each to the others and generally transverse to the direction of travel of the web. More specifically, McNeil discloses an embodiment wherein the chop off roll comprises two blades (e.g., see Fig. 3) but does not disclose an embodiment wherein the chop off roll comprises at least three blades. However, it is old and well known in the art, particularly the web cutting/separating arts, to provide more than one cutting/separating assembly on a roll. As one example, it is old and well known in the art to provide two cutting/separating assemblies on a rotating component 180 degrees apart and that such a configuration provides well known benefits including providing a more efficient operation wherein the rotating component can be rotated at half speed to provide the same number of cuts/separations, or the component can be rotated at the same speed to provide twice the number of cuts/separations. Such a configuration also provides the well known benefit of facilitating less maintenance and longer runs because the cutting/separating assemblies are used half as much. Ba

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Dour, Jr. et al., pn 6,179,241 discloses one example of providing two cutting assemblies that have the same configuration 180 degrees apart. Therefore, it would have been obvious to one having ordinary skill in the art to provide a second cutting/separating assembly on the apparatus of McNeil (e.g., on the opposing flat surface 44) for the well known benefits including those described above.

Allowable Subject Matter

7. Claims 1, 3-5, 7 and 8 are allowable over the prior art of record.

Conclusion

8. Applicant's amendment, particularly to claim 20, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
February 2, 2006